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14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE EASTERN DISTRICT OF CALIFORNIA

18 **HINDU AMERICAN FOUNDATION, INC.,**
19 **a Florida Not-For-Profit Corporation,**

20 Plaintiff,

21 v.

22 **KEVIN KISH, an individual, in his official**
23 **capacity as Director of the California Civil**
24 **Rights Department; and Does 1-50,**
inclusive,

25 Defendants.

Case No. 2:22-CV-01656-DAD-JDP

**STIPULATION AND REQUEST TO
AMEND BRIEFING SCHEDULE FOR
DEFENDANT'S RULE 12(b) MOTION**

NO ORAL ARGUMENT REQUESTED

Complaint filed: September 20, 2022

Judge: Hon. Dale A. Drozd

1 Plaintiff Hindu American Foundation, Inc. (HAF), and Defendant Kevin Kish, in his
2 official capacity as the Director of the California Civil Rights Department (CRD) (together, the
3 “Parties”), through their undersigned counsel, hereby stipulate and jointly request an order
4 amending the briefing schedule for Defendant’s Motion to Dismiss Plaintiff’s complaint pursuant
5 to Federal Rule of Civil Procedure Rule 12(b).

6 In support of this Stipulation, the Parties jointly state as follows:

- 7 1. Plaintiff’s complaint was filed on September 20, 2022, and served on Director Kish
8 on November 17, 2022.
- 9 2. This case relates to a matter pending before the California Superior Court for the
10 County of Santa Clara, *CRD v. Cisco Systems, Inc., et al.*, Case No. 20-cv-372366.
11 (Comp. ¶ 9). Plaintiff has a pending motion to intervene in *CRD v. Cisco Systems,*
12 *Inc., et al.*
- 13 3. On November 28, 2022, the Parties filed their stipulation and request to extend
14 Defendant’s time to respond and to set a briefing schedule for rule 12(b) motion,
15 which the Court granted. (ECF Nos. 6-7). The stipulation was to allow the Parties
16 ample time to meet and confer prior to Defendant’s responsive filing. Furthermore, at
17 that time the Parties anticipated that the stipulated briefing schedule would allow
18 enough time for Plaintiff’s motion to intervene to be heard in state court.
- 19 4. As of the date of this stipulation, Plaintiff’s motion to intervene in *CRD v. Cisco*
20 *Systems* case is still pending before the state court. Further, the parties in the state
21 court matter have agreed to mediate the matter. The parties are scheduled to attend a
22 mediation on May 2, 2023 and the state court will hold a mediation review hearing
23 thereafter on June 8, 2023. As a settlement in the state court matter could potentially
24 affect the outcome of this matter, the Parties stipulate to and request an amendment to
25 the current briefing schedule.
- 26 5. Under the current schedule, the Parties would have to expend significant time and
27 fees in preparing oppositions and replies to the motions, while the state court matter is
28

1 pending mediation. Thus, the Parties request a further continuance of the hearing
2 date to permit the parties in the state court case to mediate on May 2, 2023.

3 6. Additionally, Plaintiff's counsel is currently in the middle of a trial and is scheduled
4 for back-to-back trials in April and May.

5 7. The Parties request that the Court hear Defendant's motion to dismiss pursuant to
6 Rule 12(b) at 1:30 p.m. on August 15, 2023 or as soon thereafter as is practicable for the Court.

7 Based on the foregoing, the Parties respectfully request that this Court enter an order:

8 (i) Setting a briefing schedule for Defendant's motion to dismiss pursuant to Rule 12(b)
9 as follows:

10 (a) Plaintiff shall file any opposition on or before June 15, 2023;

11 (b) Defendant shall file any reply on or before July 21, 2023; and

12 (ii) Setting a hearing on Defendant's motion to dismiss for 1:30 p.m. on August 15, 2023,
13 or as soon thereafter as is practicable for the Court.

14 Dated: March 13, 2023

15 Respectfully submitted,

16 ROB BONTA
17 Attorney General of California
18 WILLIAM H. DOWNER
19 Supervising Deputy Attorney General

20 /s/ Carly J. Munson (as authorized 3/13/2023)
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22 Deputy Attorney General
23 *Attorneys for Kevin Kish, in his official capacity*
24 *as Director of the*
25 *California Civil Rights Department*

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27 /s/ Timothy C. Travelstead
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